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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,235	07/14/2003	Shadi Merc	10541-1802	8582

29074 7590 10/16/2006

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EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,235

Applicant(s)

MERE ET AL.

Examiner

SIMON D. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-30 and 32-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-30, 32-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 3-11, 14, 17-25, 28, 32-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Levin et al. (6,686,911).

Regarding claim 4, Levin discloses a radio interface (fig.1), comprising: a display (14); a plurality of knobs (18), wherein the knobs having two selection modes, the first one is the rotation and the second one is the pushing, wherein the knobs are used to controlled the interface (column 5 line 30 to column 7 line 31), and a display (#14 of fig.1) including a visual indicator to identify a knob used to control the selection (fig.2, column 7 line 32 to column 8 line 26). It should be noted that, Levin discloses that the user can push a button such as buttons 16, 29, to toggle a mode but alternatively, the user can push the knobs to select the modes (column 5 lines 30-35, column 6 lines 40-45), which means the knobs alone exclusively control the interface.

Regarding claims 17 and 32, these claims are rejected for the same reason as set forth in claim 4.

Regarding claims 3, 19, and 34, Levin further discloses the selection highlighted by a bar (#20 of fig.1).

Regarding claims 5, 18, and 33, Levin further discloses the visual indicator including the selection being located on the display to align with the knob (column 7 line 32 to column 8 line 26).

Regarding claims 6, 20, and 35, Levin further discloses the visual indicator including the shape of the bar (#20 fig.1).

Regarding claims 7-9, 21-23, and 36-38, Levin further discloses a menu screen (#14 of fig.1), each knob corresponding to one menu screen when the knob is pushed or rotated (fig.2, column 7 line 32 to column 8 line 26).

Regarding claims 10, 24, and 39, Levin further discloses each knob is adapted to control first and second control function (pushing to select and rotating to select) (column 6 lines 24-67).

Regarding claims 11 and 25, Levin further discloses the control function including a volume and on/off (fig.1, column 6 lines 19, 47).

Regarding claims 14 and 28, Levin further discloses the knob 18 can be used to move cursor 30 to SELECT a MENU (either Radio, CD, tape)(column 6 lines 3-23).

Regarding claims 40-42, Levin discloses the visual indicator to identify the VOLUME knob, wherein the VOLUME knob inherently indicates the location of the VOLUME knob for a user adjusts the volume (fig.2).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-13, 15-16, 26-27, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin et al. (6,686,911) in view of McDowall et al. (6,920,479).

Regarding claims 12-13, 15, 26-27, and 29, Levin does not specifically disclose a AM/FM knob, a SEEK/SCAN knob, a preset/save knob.

McDowall discloses a volume knob (7), an AM/FM knob (8), a SEEK/SCAN (9) (fig.1) a PRESET (column 4 lines 28-29). It should be noted that McDowall discloses the preset program to be stored in a memory (column 4 lines 14-67), which means to save the program for late use. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Levin, modified by McDowall in order to control radio functions via knobs.

Regarding claims 16 and 30, Levin disclose tuners for tuning AM/FM (18-19 of fig.2). However, both do not specifically disclose an AUTO SET CONTROL. It should be noted that use an AUTO SET CONTROL in a radio receiver is known to those skilled in the art in order to automatically set a favorite program for late use.

Response to Arguments

5. Applicant's arguments filed 8/4/06 have been fully considered but they are not persuasive.

Applicant stated that Levin fails to teach or suggest “a visual indicator to identify a knob of a plurality of knobs used to control the selection”. The examiner disagrees for the following reasons:

Figure 2 showing images displayed on a display to assist the user in selecting options with knobs 18, wherein knobs 18 are a plurality of knobs, two only shown on fig.1, but, as shown in fig.2, there is one knob 18, wherein knob 18 displays an visual indicator identifies as the VOLUME knob. For example, if one wants to adjust the volume, he or she will adjust a knob indicating VOLUME on the display (column 7 lines 32—54). Therefore, Levin discloses “a visual indicator to identify a knob of a plurality of knobs used to control the selection” and the previous rejection based on Levin stands.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
600 Dulany, Alexandria, VA 22314


Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

October 3, 2006


SIMON NGUYEN
PRIMARY EXAMINER